

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL NO.: 5:07CV61-V**

MARIE TEMPLETON WELLMAN,)	
Administratrix of the Estate of Sidney)	
Jonathan Templeton,)	
Plaintiff,)	
)	
v.)	<u>MEMORANDUM & ORDER</u>
)	
MICHAEL DWAYNE SHARPE, et al.,)	
Defendants.)	
)	

THIS MATTER is before the Court upon a recommendation from the magistrate judge that this matter be dismissed *without prejudice* consistent with Rule 41(b) of the Federal Rules of Civil Procedure. (Document #4)

Pursuant to 28 U.S.C. § 636(b)(1), United States Magistrate Judge Dennis Howell was designated to consider and recommend disposition in the aforesaid matter. In an opinion filed April 23, 2008, the magistrate judge recommended that Plaintiff's complaint be dismissed for failure to prosecute pursuant to FED. R. CIV. P. 41(b). (M & R at 3.) The magistrate judge represents that he provided Plaintiff with a "clear and explicit warning" that involuntary dismissal was likely if Plaintiff failed to pursue her claims in accordance with the federal civil rules. (M & R at 2 / Document #3) Since that time, Plaintiff has not taken any steps to move her case along or to accomplish service on the Defendants.¹ The time for filing objections has since passed, 28 U.S.C. § 636(b)(1)(C), and no objections have been filed by either party.

¹ The magistrate judge states that he has "received no filing, no correspondence, and no call from counsel." (M & R at 2-3.)

After a careful review of Magistrate Judge Howell's Memorandum & Recommendation, the Court finds that his findings of fact are supported by the record and his conclusions of law are consistent with and well supported by current case law. See Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982) (holding that only a careful review is required in considering a memorandum and recommendation absent specific objections.) Accordingly, the Court hereby accepts the Memorandum & Recommendations of the magistrate judge and adopts it as the final decision of this Court for all purposes relating to this case.

IT IS, THEREFORE, ORDERED that Plaintiff's causes of action are hereby
DISMISSED WITHOUT PREJUDICE.

Signed: June 3, 2008



Richard L. Voorhees
United States District Judge

